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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Serge Haumont

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06/30/2005

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EXAMINER

HASHEM, LISA

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/089,405	Applicant(s) HAUMONT, SERGE	
	Examiner Lisa Hashem	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-14 and 18-24 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent Application Publication No. 2002/0077334 by Joyce et al, hereinafter Joyce.

Regarding claim 1, Joyce discloses a method of determining services accessible via a subscription having an account and at least a first limit in a communication system (section 0017, lines 1-14; section 0023, lines 1-14; section 0059, lines 5-10; section 0114, lines 1-6 and lines 33-36), the method comprising: defining at least a first and a second set of services to be used with the subscription, each set of services defining services accessible via the subscription (section 0096, line 1 – section 0098, line 8); comparing the balance of the account with the first limit; using the first set of services when the balance of the account does not reach the first limit (section 0093, lines 1-3; section 0096, line 1 – section 0097, line 21); and using the second set of services (e.g. a depositing service, a toll-free service) when the balance reaches the first limit (section 0009, lines 15-22; section 0078, lines 1-3; section 0098, lines 1-8).

Regarding claim 2, a method as claimed in claim 1, wherein Joyce further discloses the method further comprising: using in the communication system access point names to define where and how to connect the user of the subscription; selecting during connection activation the

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access point name to be used with this connection; defining a first access point name (e.g. selected option or Internet access point name) for the first set of services; and defining a second access point name (e.g. a toll-free number or selected option) for the second set of services (section 0078, lines 1-3; section 0096, line 1 – section 0098, line 8; section 0114, line 1 – section 0115, line 18).

Regarding claim 3, a method as claimed in claim 1, wherein Joyce further discloses the communication system inherently comprising a firewall; and the method further comprising defining accessible services via a set of services by defining at least a firewall configuration for the set of services (section 0114, lines 29-40).

Regarding claim 4, a method as claimed in claim 1, wherein Joyce further discloses the method further comprising defining accessible services via a set of services by defining at least a range of allowed addresses or pin numbers for the set of services (section 0018, lines 12-21; section 0115, lines 7-18).

Regarding claim 5, a method as claimed in claim 1, wherein Joyce further discloses the method further comprising the step of indicating the set of services which is to be used by the charging characteristics to be applied (section 0074, lines 13-18; section 0078, lines 1-3; section 0098, lines 1-8).

Regarding claim 6, a method as claimed in claim 1, wherein Joyce further discloses the second set of services comprising services free of charge (section 0078, lines 1-3; section 0098, lines 1-8).

Regarding claim 7, a method as claimed in claim 1, wherein Joyce further discloses the second set of services being a subset of the first set of services (section 0098, lines 1-8).

Regarding claim 8, a method as claimed in claim 1, wherein Joyce further discloses the method further comprising informing the user of the subscription of the services accessible via the second set of services in response to using the second set of services (section 0098, lines 1-8).

Regarding claim 9, a method as claimed in claim 1, wherein Joyce further discloses the subscription is a postpaid subscription; the first limit is the maximum allowed amount of the bill; and the balance of the account indicates the amount of the bill to be charged from the subscription (section 0028, lines 1-8; section 0070, lines 19-25).

Regarding claim 10, a method as claimed in claim 1, wherein Joyce further discloses the subscription is a prepaid subscription; the first limit is the preset minimum value for the account; and the balance of the account indicates the amount of money the subscriber still has in use (section 0028, lines 1-8; section 0070, lines 19-25; section 0074, lines 13-18).

Regarding claim 11, a method as claimed in claim 10, wherein Joyce further discloses at least the second set of services comprises a deposition service (section 0098, lines 1-8).

Regarding claim 12, a method as claimed in claim 11, wherein Joyce further discloses the depositing service utilizes the authentication of the communication system when authenticating the one who wants to deposit (section 0074, lines 1-4; section 0098, lines 1-8).

Regarding claim 13, Joyce discloses a communication system providing a subscription with an account and at least a first limit (section 0017, lines 1-14; section 0023, lines 1-14; section 0059, lines 5-10; section 0114, lines 1-6 and lines 33-36), the communication system comprising: a first node, a CallManager including a Switching Manager, monitoring the balance of the account (section 0098, lines 1-8), wherein the communication system comprises memory

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for storing definitions of at least a first and a second set of services to be used with the subscription (Figure 1: 27, 28), each set of services defining services accessible via the subscription (section 0096, line 1 – section 0098, line 8); and the communication system is arranged to compare the balance with the first limit and to allow access to the first set of services when the balance has not reached the first limit (section 0093, lines 1-3; section 0096, line 1 – section 0097, line 21), and to allow access to the second set of services (e.g. a depositing service, a toll-free service) when the balance has reached the first limit (section 0009, lines 15-22; section 0078, lines 1-3; section 0098, lines 1-8).

Regarding claim 14, a communication system as claimed in claim 13, wherein Joyce further discloses the first node is arranged to perform the comparison during connection activation and to indicate which set of services is to be used with the connection (section 0094, lines 1-45); and in response to a connection with access to the first set of services to trigger deactivation of the connection when the balance reaches the first limit (section 0095, lines 1-7).

Regarding claim 18, Joyce discloses a network node or CallManager including a Switch Manager in a communication system providing a subscription with an account and at least a first limit (section 0096, line 1 – section 0098, line 8), the network node being arranged to monitor the balance of the account, wherein the network node is arranged to compare the balance with the first limit and to allow access to a first set of services when the balance does not reach the first limit (section 0096, line 1 – section 0097, line 21), and to allow access to a second set of services (e.g. a depositing service) when the balance reaches or has reached the first limit (section 0098, lines 1-8).

Regarding claim 19, Joyce discloses a network node (CallManager and/or NetManager) in a communication system providing a subscription with an account and at least a first limit (section 0114, lines 33-36), the network node being arranged to monitor the balance of the account, wherein the network node is arranged to communicate with a second network node or radius authentication server; to compare the balance with the first limit; and to indicate to the second network node which set of services from among at least two different set of services (e.g. Internet or online services such as, investment trading, auction bidding, and travel purchases) defined for the subscription is the allowed set of services on the basis of said comparison (section 0114, lines 24-38).

Regarding claim 20, a network node as claimed in claim 19, wherein Joyce further discloses the network node is arranged to indicate the allowed set of services in response to the balance reaching the limit and in response to the balance not any more reaching the limit (section 0114, lines 31-49).

Regarding claim 21, Joyce discloses a network node (CallManager and/or NetManager) in a communication system providing a subscription, wherein the network node is arranged to receive from the communication system an indication indicating the use of a certain set of services from among at least two different set of services defined for the subscription; and in response to receiving the indication to provide access only to services included in the indicated certain set of services (section 0114, line 1 – section 0115, line 29).

Regarding claim 22, a network node as claimed in claim 21, wherein Joyce further discloses the network node is arranged, in response to receiving the indication, to inform the user

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of the subscription of the services accessible via the indicated certain set of services (section 0114, lines 24-29).

Regarding claim 23, a network node as claimed in claim 21, wherein Joyce further discloses the network node is arranged to receive an access point name (e.g. an Internet access point name) as the indication of the set of services, the access point name being used in the communication system to define where and how to connect the user of the subscription (column 0114, lines 13-15 and lines 31-38).

Regarding claim 24, a network node as claimed in claim 21, wherein Joyce further discloses the network node is inherently an application server (section 0115, lines 1-18).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0077334 by Joyce, as applied to claim 1.

Regarding claims 15-16, a communication system as claimed in claim 13, wherein Joyce further discloses the communication system further comprises maintaining subscription information including at least an indication indicating an allowed set of services for the subscription; the first node is arranged to perform the comparison and in response to the balance reaching the first limit to the second set of services as the allowed set of services and in response to the balance, not any more reaching the first limit after reaching the first limit, to direct the first

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set of services as the allowed set of services (account is replenished), and to send at least information on the allowed set of services as a part of the subscription information to the communication system during connection activation; in response to a received direction from the first node to modify the first indication to correspond to the received direction, and in response to modifying the allowed set of services of an active connection to inherently trigger deactivation of the connection (e.g. finish using the requested service). Wherein the subscription information maintained further includes at least identification information on the first and second set of services and the indication indicates which one of the sets of services is the allowed set of services (section 0094, line 1 – section 0098, line 8).

Joyce does not disclose the CallManager system does not disclose communicating with a second node in the preferred embodiment.

Joyce discloses the communication system further comprises a second node or radius authentication server maintaining subscription information including at least an indication indicating an allowed set of services for the subscription (section 0114, lines 33-36); the first node is arranged to perform the comparison and in response to the balance reaching the first limit to direct the second node to set the second set of services (e.g. Internet or online services such as, investment trading, auction bidding, and travel purchases; if those services are valid depending on account balance) as the allowed set of services (section 0114, lines 24-38), and the second node is arranged to send at least information on the allowed set of services as a part of the subscription information to the communication system during connection activation; in response to a received direction from the first node to modify the first indication to correspond to the received direction, and in response to modifying the allowed set of services of an active

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connection to trigger deactivation of the connection, when the balance is exhausted (section 0114, lines 24-49). Wherein the subscription information maintained in the second node further includes at least identification information on the first and second set of services and the indication indicates which one of the sets of services is the allowed set of services (section 0114, lines 29-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Joyce to include a second node as taught by Joyce in another embodiment. One of ordinary skill in the art would have been lead to make such a modification since a second node includes information to a set of allowed services for the subscription of the user.

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0077334 by Joyce, as applied to claim 1, in view of U.S. Patent No. 6,711,147 by Barnes et al, hereinafter Barnes.

Regarding claim 17, a communication system as claimed in claim 13, wherein Joyce further discloses the communication system supports Internet and online services (section 0114, lines 13-15).

Joyce does not disclose the communication system supports the General Packed Radio Service (GPRS); and the connection is activated by activating a PDP context.

Barnes discloses a network, system, and method for merging GPRS and mobile IP. Wherein the wireless communication system supports the GPRS service and GPRS allows a mobile node to communicate with networks such as, the Internet or PSTN. The connection is

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activated by activating a PDP context (column 1, lines 54-64; column 2, line 65 – column 3, line 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Joyce to include a packet service such as GPRS as taught by Barnes. One of ordinary skill in the art would have been lead to make such a modification since the development of GPRS in the GSM mobile communication system allows packet data transmission between mobile data terminals and external data networks.

Response to Arguments

6. In response to the Applicant's arguments, filed 2-3-2005, '...the filing date of Joyce is October 15, 2003, whereas the filing date of the present Application is April 1, 2002. Therefore, Applicant's filing date antedates Joyce's filing date. As a result, Joyce cannot be prior art under 35 U.S.C. 102. Additionally, Barnes does not provide all the rejected claims' features...', the filing date of Joyce claims priority to provisional application no. 60/100,440, filed on Sept. 15, 1998 and provisional application no. 60/100,470 filed on Sept. 15, 1998. Therefore, Joyce is considered prior art.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

In conclusion, the above references are clearly prior art and the rejections of claims 1-24 are valid.

7. Applicant's arguments filed 2-3-2005 have been fully considered but they are not persuasive. Accordingly, this action is **FINAL**.

Conclusion

8. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9306 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

lh

June 13, 2005


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